THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 20018 of 1997

DATE: 24-01-2007

Between :

Malipireddy Veera Venkata Ramana and another
… Petitioners

And

Government of Andhra Pradesh,
Rep., by its Additional Commissioner (Industrial),
And Special Officer (Land Acquisition) Steel Plant,
Visakhapatnam and another.
… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 20018 of 1997

ORDER:

This writ petition is filed aggrieved by the action of the respondents in proposing to acquire the petitioners' land admeasuring Ac.0.41 cents situated in Sy.No.227/1 Gumnnmalladoddi village, Gokavaram Mandal, East Godavari District.

A perusal of the notification dated 23-06-1997 issued under Section 4(1) of the Land Acquisition Act, 1984 (for short 'the Act') shows that the land was proposed to be acquired for the development of industrial area of Andhra Pradesh Industrial Infrastructure Corporation Limitted, Kakinada and having invoked the urgency clause under Section 17(4) of the Act, the enquiry under Section 5-A of the Act was dispensed with.

Various contentions have been raised by the petitioners including that the declaration under Section 6 of the Act was not published in local dailies as required under the Act. It is contended that the petitioners are small farmers and they are depending on the said land for their livelihood and the said fact would have been brought to the notice of the respondents, if only an enquiry under Section 5-A of the Act is conducted.

Though Rule Nisi was ordered on 26-08-1997, no counter affidavit is filed on behalf of the respondents. The interim order granted by this Court on 27-10-1997 directing stay of all further proceedings including dispossession of the petitioners has been in operation throughout.

In the absence of any material contradicting the plea of the

petitioners that the declaration under Section 6 of the Act was not published in local dailies, I deem it appropriate to set aside the declaration under Section 6 of the Act and dispose of the writ petition with a direction to the respondents to conduct an enquiry under Section 5-A of the Act, in case, the land in question is still required for any public purpose and to take appropriate further steps in accordance with law. No costs.

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G. ROHINI,J

Dt. 24-01-2007
KLP